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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/821,821	04/08/2004	J. Daren Bledsoe	MP0983 (13036/24)	1393		
60537 BRINKS HOE	7590 03/25/200 ER GILSON & LIONE	EXAM	EXAMINER			
P.O. BOX 10395			RODRIGUE	RODRIGUEZ, LENNIN R		
CHICAGO, IL	. 60610	ART UNIT	PAPER NUMBER			
		2625				
			MAIL DATE	DELIVERY MODE		
			03/25/2008	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Application No. Applicant(s) BLEDSOE ET AL. 10/821,821 Office Action Summary

LENNIN R. RODRIGUEZ   2625	omoorionen oummary	Examiner	Art Unit					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 31 CFR 1.136(a). In or overth, however, may a rapity be timely filed.  - Extensions of time may be available under the provisions of 31 CFR 1.136(a). In or overth, however, may a rapity be timely filed.  - Extensions of time may be available under the provisions of 31 CFR 1.136(a). In or overth, however, may a rapity be timely filed, may produce only a state of the communication of the provision o		LENNIN R. RODRIGUEZ	2625					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be acidical under the provisions of 37 CFR 1.13(a). In so event, however, may a raply be timely field after SDx (6) MONTHS from the mailing date of the communication.  - If VD provide for reply's specified driven, the maximum statetory period will apply and vill expert SDx (6) MONTHS from the mailing date of the communication.  - If VD provide for reply is a possible driven, the maximum statetory period will apply and vill expert SDx (6) MONTHS from the mailing date of this communication.  - Any reply reclaved by the Office later than three months after the making date of this communication, even if timely filled, may reduce any search of the provided by the Office later than three months after the making date of this communication, even if timely filled, may reduce any search of the communication is FINAL.  2b) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s)	Period for Reply							
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## DETAILED ACTION

## Election/Restrictions

 This application contains claims directed to the following patentably distinct species:

I. Species of the embodiment disclosed on paragraph [0011]; in particular, the invention that states a scanner 10 includes a housing 12, a cover 14 hingedly attached to housing 12, a transparent (e.g., glass) platen 16 atop housing 12, and a carriage 18 within housing 12. Carriage 18 travels within housing 12 on a vertical gear channel 20 and a horizontal gear channel 22. Carriage 18 includes a rectangular photodetector array 24 and an illumination ring 26.

II. Species of the embodiment disclosed on paragraph [0016]; in particular, the invention that states the horizontal increment is less than the horizontal spacing between adjacent sensors while the vertical increment is less than the vertical spacing between adjacent sensors. For example, if photodetector array 24 produces 300x300 dpi, then the resolution can be doubled to 600x600 dpi by (1) capturing an image of the object, (2) moving photodetector array 24 by half (1/2) a dpi in the horizontal and the vertical directions, and (3) capturing another image of the object. Software is then used to combine the two images to form a 600x600 dpi image of the object. After a microstep, carriage 18 can move horizontally or vertically in a large increment to scan the next area on the object, followed by another micro-step.

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III. Species of the embodiment disclosed on paragraph [0017]; in particular, the invention that states a scanner 100 includes a housing 102, a sheet feeder 104, feed rollers 106, and a carriage 108 within housing 102. Sheet feeder 104 grabs a single sheet 110 of document from a stack 112 and moves it vertically to feed rollers 106. Feed rollers 106 move sheet 110 past carriage 108. Carriage 108 includes rectangular photodetector array 24 and illumination ring 26.

IV. Species of the embodiment disclosed on paragraph [0018]-[0019]; in particular, the invention that states a Scanner 200 includes a housing 212, a glass platen 216 atop housing 212, a stationary rectangular photodetector array 218 with optics 220, and light sources 222. Light sources 222 then illuminates the entire object by directing light onto object 224 or bouncing light off the sidewalls of housing 212 and then onto object 224. Light is reflected from object 224 and directed by optics 220 onto rectangular photodetector array 218. Photodetector array 218 converts the light intensity of the scanned object into electrical signals.

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of

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search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the

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prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

- 2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENNIN R. RODRIGUEZ whose telephone number is (571)270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/ Supervisory Patent Examiner, Art Unit 2625

Lennin Rodriguez 3/16/08